

APPEAL NO. 020339  
FILED MARCH 21, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 15, 2002. The hearing officer determined that the respondent's (claimant) compensable injury is a producing cause of his low back and sacroiliac injuries after July 1998 and December 30, 1999.

The appellant (carrier) has appealed, asserting that the determinations of the hearing officer were supported by insufficient evidence, or, alternatively, were contrary to the great weight and preponderance of the evidence. In his response, the claimant urges that the evidence is sufficient to support the challenged determinations.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The claimant testified that he worked as a roughneck for the employer at the time of the compensable injury.

The carrier contends that "the Hearing Officer erred in the application of sole cause. The claimant had the burden to prove that the compensable injury he sustained on \_\_\_\_\_, was a producing cause of his current condition after July 1998 and December 30, 1999. It is well established that there may be more than one producing cause. Texas Workers' Compensation Commission Appeal No. 971839, decided October 23, 1997. The burden was on the carrier to prove that the claimant's condition after July 1998 and December 30, 1999, was solely caused by an intervening injury or injuries, if it desired to raise that defense. Texas Workers' Compensation Commission Appeal No. 952061, decided January 22, 1996. Both documentary and testimonial evidence was presented at the CCH that the claimant had suffered other incidents which may have affected his back. Regarding the carrier's assertion that the hearing officer improperly addressed the issue of sole cause, we note that the issue of sole cause was raised by the facts of this case. See Texas Workers' Compensation Commission Appeal No. 990503, decided April 23, 1999.

The hearing officer did not err in determining that the claimant's compensable injury of \_\_\_\_\_, is a producing cause of his low back and sacroiliac injuries after July 1998 and December 30, 1999. The hearing officer was persuaded by the claimant's testimony and the medical reports in evidence. It is the hearing officer, as the sole judge of the weight and credibility of the evidence (Section 410.165(a)), who resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire

& Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We are satisfied that the evidence is sufficiently supportive of the challenged determinations. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750  
COMMODORE 1  
AUSTIN, TEXAS 78701.**

---

Thomas A. Knapp  
Appeals Judge

CONCUR:

---

Michael B. McShane  
Appeals Judge

---

Edward Vilano  
Appeals Judge